

To: Minoli, Kevin[Minoli.Kevin@epa.gov]; White, Elizabeth[white.elizabeth@epa.gov]
From: Bowman, Liz
Sent: Fri 2/2/2018 7:08:58 PM
Subject: FW: E&E Greenwire: Greens file lawsuit seeking agency FOIA documents, 2/2/18

Ex. 5 - Deliberative Process

From: Hassell, Emily
Sent: Friday, February 2, 2018 1:47 PM
To: AO OPA Individual News Clips <AO_OPA_Ind_News_Clips@epa.gov>
Subject: E&E Greenwire: Greens file lawsuit seeking agency FOIA documents, 2/2/18

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060072747/search?keyword=EPA>

Greens file lawsuit seeking agency FOIA documents

By Amanda Reilly, 2/2/18

Environmental groups have filed a Freedom of Information Act lawsuit over U.S. EPA's delayed responses to FOIA document requests.

Represented by Earthjustice, the Sierra Club alleges that EPA has employed "aggressive" tactics in order to avoid responding to FOIA requests, including through denying requests for fee waivers.

The lawsuit in the U.S. District Court for the Northern District of California seeks records related to any changes in agency FOIA policy under EPA Administrator Scott Pruitt.

"It's time to find out why the public is not getting the information it is supposed to get by law," said Michael Brune, executive director of the Sierra Club, in a statement. "There has never been so much secrecy at the Environmental Protection Agency."

Earthjustice filed a FOIA request in June and another in October on behalf of the Sierra Club for agency policies and guidelines on handling, processing and disposing of record requests. The complaint filed yesterday says that the agency has not yet responded.

Along with imposing fees, greens say they are worried that EPA is running FOIA responses by political appointees and inaccurately claiming that requests "do not reasonably describe" records that are being sought.

"While all appearances suggest that the Pruitt EPA is using more aggressive tactics to ward off FOIA requests, to date the agency has not made available any records concerning these policy changes," said Thomas Cmar, an Earthjustice attorney.

EPA says it has been working to clear the backlog of FOIA requests that existed at the start of 2017, prior to the Trump administration's taking office. The agency had 652 open FOIA requests as of October 2017 that were submitted in earlier years, according to agency spokeswoman Liz Bowman.

"We are committed to transparency," Bowman said. "EPA staff are working to clear the backlog of FOIAs that built up from the previous administration, all while continuing to respond to the large volume of incoming requests."